EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephan Kirchanski on 17 October 2003.

In the specification at line 2, the phrase "is based on" has been amended to read -- claims benefit of --. At lines 4 and 5, the phrase ", and claims priority from that application" has been deleted.

Claim 2 (amended) A host cell transformed with [a heterologous nucleic acid having a sequence identical to] the nucleic acid of claim 1 or a nucleic acid complementary to said [heterologous] nucleic acid.

At claim 4, line 2, "heterologous" has been deleted.

At claim 5, line 1, "overexpressing" has been replaced with -- comprising --.

Claim 6 (currently amended) A transgenic plant comprising a nucleic acid encoding [overexpressing] a polypeptide having the amino acid sequence of [shown in] SEQ ID NO: 2.

At claim 7, line 2, "the plant" has been replaced with -- a plant --.

At claim 8, line 2, "to overexpress" has been replaced with -- with a nucleic acid encoding --.

Claim 9 (currently amended) A method of altering circadian rhythms and flowering in a plant comprising transforming a [the] plant with a nucleic acid encoding [coding for] a β-subunit of protein kinase CK2 [within the plant] having an amino acid sequence at least 75% identical to SEQ ID NO: 2.

The Title of the Invention has been replaced with -- NUCLEIC ACIDS ENCODING THE ARABIDOPSIS PROTEIN KINASE β-SUBUNIT CKB3 AND A METHOD OF ALTERING CIRCADIAN RHYTHMS AND FLOWERING IN A PLANT BY TRANFORMING WITH A NUCLEIC ACID ENCODING A PROTEIN KINASE β-SUBUNIT --.

2. The following is an examiner's statement of reasons for allowance: Support for the amendment to claim 9 can be found on pages 12 and 18 of the specification. The claims are deemed allowable because Applicant has shown unexpected results for a method of transforming a plant to overexpress a β-subunit of protein kinase CK2 to alter circadian rhythms and flowering.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. Kruse, Ph.D. whose telephone number is (703) 306-4539. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Amy Nelson can be reached at (703) 306-3218. The fax telephone number for this Group is (703) 872-9306 Before Final or (703) 872-9307 After Final.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 308-0196.

AMY J. NELSON, PH.D
SUPERVISORY PATENT EXAMINER
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David H. Kruse, Ph.D.
17 October 2003